

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD M. APPEL, RITA APPEL, : CIVIL ACTION
and NANETTE APPEL-BLOOM, :
Individually and on Behalf :
of all Others Similarly :
Situated :
:
:
v. :
:
:
GERALD S. KAUFMAN, et al. : NO. 08-392

ORDER

AND NOW, this 28th day of July, 2010, upon consideration of the Motion of Gerald S. Kaufman and Gerald S. Kaufman Corp. Seeking Summary Judgment Dismissing Plaintiffs' Claims (Docket No. 163); Wells Fargo Bank, N.A. f/k/a Norwest Bank of Minnesota's Motion for Summary Judgment on Count III of the Plaintiff's Amended Complaint (Docket No. 162); the respective briefs in opposition and in reply thereto; the Affidavit of Cyrus Bloom on Behalf of Plaintiffs Pursuant to Fed. R. Civ. P. 56(f); the defendants reply thereto; and for the stated in a memorandum of law bearing today's date; IT IS HEREBY ORDERED that the defendants' motions for summary judgment are GRANTED as follows:

1. Judgment is granted for the defendants Gerald S. Kaufman, Carol F. Kaufman and the Gerald S. Kaufman Corporation (the "Kaufman defendants") and against the plaintiff on all counts of the plaintiffs' amended complaint; and

2. Judgment is granted for the defendant Wells Fargo Bank, N.A. f/k/a Norwest Bank of Minnesota and against the plaintiffs on count III of the plaintiffs' amended complaint.

It is FURTHER ORDERED that the plaintiffs' request to continue defendants Gerald Kaufman and the Gerald S. Kaufman Corporation's motion for summary judgment is DENIED.

It is FURTHER ORDERED that the Kaufman defendants are to inform the Court as to how they wish to proceed on their outstanding counterclaim on or before August 13, 2010.

BY THE COURT:

/s/Mary A. McLaughlin
MARY A. McLAUGHLIN, J.